

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRILOGY MARKETING, INC.,

Plaintiff,

v.

Case No. 12-13967

MEMSIC, INC.,

Defendant.

ORDER SETTING BRIEFING SCHEDULE

On December 11, 2013, the court held an off-the-record status conference in chambers. After discussion with the court, the parties agreed to exchange proposed statements of fact in order to clarify whether further evidentiary development is necessary prior to the court's determination of Plaintiff's damages. The parties agreed that Plaintiff will send its proposed statement of *material* facts (*i.e.*, only such facts as are both necessary and sufficient to proper damages briefing) to Defendant by December 27, 2013, Defendant will respond with any disputed material facts by January 10, 2014, and the parties will submit a joint statement of material facts to the court outlining any disagreement by January 17, 2014. The parties should not file either the initial statement or the response to the court—these documents are purely for the parties' benefit to assist in clarifying the issues.

In the meantime, the court urges the parties to consider the possibility of a full referral of this matter to a magistrate judge, pursuant to 28 U.S.C. § 636(c). If the matter is not referred to a magistrate judge, the briefing schedule listed below will apply

regarding the issue of damages. Accordingly,

IT IS ORDERED that the parties will exchange statements of material facts, as outlined above, and file a final joint statement on **January 17, 2014**. The court will conduct a telephonic status conference on **January 21, 2014 at 10:30 a.m.** to discuss the joint statement of material facts.

IT IS FURTHER ORDERED that, if this matter is not referred to a magistrate judge, Plaintiff will file its initial brief on damages by **February 7, 2014**; Defendant will file its response by **February 21, 2014**; Plaintiff has the option of filing a reply brief by **February 28, 2014**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 19, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522